

order for the amendment to be compliant, applicants must supply the following omissions or corrections in response to this notice.

**THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEED NOT RESUBMIT THE ENTIRE AMENDMENT):**

...

...

...

4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).

Explanation: A marked up copy of claim 1 needs to be submitted

In reply, applicants have attached to this reply, marked-up version of claim 1.

For the record, applicants note that:

- 1) the Notice of Non-Compliant Amendment, mailed March 25, 2002, did not remark upon or require a marked-up version of the claim; and
- 2) a marked-up version of claim 1 was previously submitted as an attachment to the Amendment submitted December 26, 2001.

In view of the remarks and amendments hereinabove made it is respectfully submitted that this application and claims 1-23, is now and has been in compliance with 37 CFR 1.121. Reconsideration and an early allowance are therefor earnestly solicited.

Kindly charge any fees or credit any overcharges to Deposit Account No. 01-1425.

Respectfully submitted,

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AM100123  
USN 09/840,485Marked-Up Version of Claims

1. An immunogenically active component useful for preventing or ameliorating equine protozoal myoencephalitis infection or disease which comprises a member selected from the group consisting of merozoite antibody inducing, inactivated *Sarcocystis neurona* cells; tachyzoite antibody inducing, inactivated *Neospora hughesi* cells; a merozoite or tachyzoite antibody inducing antigen derived from said cells; DNA derived from said cells capable of inducing a merozoite or tachyzoite antibody immune response; and a mixture thereof.